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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/596,392   | 02/27/2007  | Juergen Knuepfer       | 20831/0204936-US0   | 6007             |
| 7278 7590 04/28/2009<br>DARBY & DARBY P.C.<br>P.O. BOX 770<br>Church Street Station<br>New York, NY 10008-0770 |             |                        |                     |                  |
| EXAMINER<br>THOMPSON, BRADLEY E  |             |                        |                     |                  |
| ART UNIT<br>2612   |             | PAPER NUMBER           |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/596,392

**Applicant(s)**

KNUEPFER, JUERGEN

**Examiner**

BRADLEY E. THOMPSON

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date Jun 12 2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This is in response to the preliminary amendment filed on 02/27/2007 which has cancelled claims 1-17 and added new claims 18-36. therefore, claims 18-36 are currently pending in the application.

### *Drawings*

2. The drawings submitted on 02/23/2007 are acknowledged.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 18-22, 25-29** are rejected under 35 U.S.C. 102(e) as being anticipated by Staples (US Patent Application Pub 2007/0124020) hereinafter referred to as Staples.  
In consideration of independent **claim 18**:

Staples is drawn to a smart shipping and storage container 12 which has a sensor system 13 (figure 1) coupled to it for the purpose of detecting its state (page 1 paragraph 7) and is suitable for the transport of freight (page 1 paragraph 9) (reads on monitoring system for the cargo space of a transportation means). Staples teaches a

motion detector with accelerometer coupled to container 12 (paragraph 13 page 2) (reads on a plurality of motion detectors coupled to the data-input side of control unit) and a processor which, in turn, is coupled to the sensors (paragraph 19 page 3) (reads on control unit configured to receive a characteristic value for the current state of motion of the transportation means). Staples further discloses a camera which can record video or still-frame images. A connection to the output of a processor is inherently disclosed (page 2 paragraph 14) (reads on of image recording devices connected to the output-side on control unit).

In consideration of **claim 19**:

The system of Staples discloses all as applied above (see claim 18). Specifically, as presented in the rejection of claim 1, Staples teaches motion detectors with accelerometers for sensing motion of container 12 (paragraph 13 page 2).

In consideration of **claim 20**:

The system of Staples discloses all as applied above (see claim 1). Specifically, Staples teaches memory and other digital storage devices which connect to the processor (and thereby connect to the camera through the processor) (page 3 paragraph 21) (reads on a memory module wherein at least one of the image-recording devices is connected to the memory module).

In consideration of **claim 21**:

The system of Staples discloses all as applied above (see claim 20). Specifically, Staples teaches RAM, a flash drive or hard drive all of which store digital data (page 3 paragraph 21).

In consideration of **claim 22**:

The system of Staples discloses all as applied above (see claim 21).  
Specifically, as presented in the rejection of claim 21, Staples teaches flash memory (reads on wherein memory module includes a multimedia card).

In consideration of **claim 25**:

The system of Staples discloses all as applied above (see claim 18). In particular, Staples teaches a wireless network for data transfer including ZigBee and Bluetooth (page 3 paragraph 20). Wireless transmitter inherently disclosed (reads on system further comprising a transmitter for wireless data transmission connected to the output wide of the control unit).

In consideration of **claim 26**:

The system of Staples discloses all as applied above (see claim 18).  
Specifically, Staples teaches a GPS receiver for sensor system 13 (figure 1) (page 2 paragraph 15) (reads on a system further comprising a GPS receiver connected to control unit).

In consideration of **claim 27**:

The system of Staples discloses all as applied above (see claim 18).  
Specifically, as discussed in the rejection of claim 25, a wireless network is taught by Staples and the processor 10 couples to adjacent systems (page 3 paragraph 20) (reads on wherein the transportation means includes an information system and wherein the control unit is connected to the information system).

In consideration of **claim 28**:

The system of Staples discloses all as applied above (see claim 18). In particular, interfaces for plugging in sensors, memory, NIC devices with the processor are strongly suggested and inherently disclosed in Staples (page 3 paragraph 20 page 4 paragraph 25) (reads on comprising a plurality of interfaces for connecting other functional components and wherein the control unit is connected to the plurality of interfaces).

In consideration of **claim 29**:

The system of Staples discloses all as applied above (see claim 20). In particular, Staples teaches shipping vehicles as suitable for his sensing system (paragraph 13 page 2) (reads on a vehicle having cargo space which is provided with a monitoring system).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 23** is rejected under 35 U.S.C. 103(a) as being unpatentable over Staples in view of Olsen III et al. (US Patent application Pub 2006/0015233) hereinafter referred to as Olsen.

In consideration of **claim 23**:

The system of Staples discloses all as applied above (see claim 20). As

presented in the rejection of claim 1, Staples discloses video cameras for monitoring the state of the container. However, Staples is silent on apparatus which stores zones or locations where loading/unloading takes place.

In an analogous art, Olsen is directed to a method and system for locking/unlocking a trailer in a tractor/trailer rig based on its location or zone as determined by GPS means. Olsen recites a geofence (figure 6) as marking the boundary of the loading/unloading zones (page 2 paragraph 16). Olsen further recites "The driver's terminal 34 (figure 5) recognizes it is within the zone by monitoring data received from a GPS system included in the operator's on-board driver's terminal 34, as the driver's terminal 34 has been pre-populated with information regarding the geo-fenced area" (reads on wherein the memory module stores characteristic values for permissible loading/unloading positions).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Staples with pre-stored values for GPS loading zones, as taught by Olsen, for the purpose of providing the added security of access only in designated locales.

7. **Claim 24 and 30-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Staples in view of Freeman et al. (US Patent 7,088,387) hereinafter referred to as Freeman.

In consideration of **claim 24**:

The system of Staples discloses all as applied above (see claim 18). As

presented in the rejection of claim 1, Staples discloses video cameras for monitoring the state of the container. However, Staples is silent on how to initiate recording of video based on a triggering event and then automatically cease recording.

In an analogous art, Freeman is related to a video recording apparatus which is tied video image sensors and, upon detection of a triggering event, will record a predetermined number of video frame and store them in a memory buffer at which point recording ceases (Summary of Invention column1 line 64 - column 2 line 10) (reads on wherein at least one of the image-recording devices is configured to, upon activation by the control unit, record a predefinable number of images and subsequently deactivate itself autonomously).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Staples with automatic apparatus for recording video, as taught by Freeman, so as not to exhaust the video storage with non-eventful images. In consideration of independent **claim 30**:

The system of Staples and Freeman disclose everything as presented in the rejection of claims 18 and 24. Hence, claim 30 is rejected for the same reasons set forth in the rejection of claims 18 and 24 since the method is an inherent variation of the system in those claims.

In consideration of **claim 31**:

The methods of Staples and Freeman disclose all as applied above (see claim 30). Hence, claim 31 is rejected for the same reasons set forth in the rejection of claim 19 since the method is an inherent variation of the system in that claim.



In consideration of **claim 32**:

The methods of Staples and Freeman disclose all as applied above (see claim 30). Hence, claim 32 is rejected for the same reasons set forth in the rejection of claim 20 since the method is an inherent variation of the system in that claim.

In consideration of **claim 33**:

The methods of Staples and Freeman disclose all as applied above (see claim 32). Hence, claim 33 is rejected for the same reasons set forth in the rejection of claim 22 since the method is an inherent variation of the system in that claim.

In consideration of **claim 34**:

The methods of Staples and Freeman disclose all as applied above (see claim 30). Hence, claim 34 is rejected for the same reasons set forth in the rejection of claim 24 since the method is an inherent variation of the system in that claim.

In consideration of **claim 35**:

The methods of Staples and Freeman disclose all as applied above (see claim 30). Freeman teaches generating a signal indicative of an alarm condition when a triggering event occurs (column 2 lines 38-50) (reads on further comprising, upon activation, sending a warning message to the transmitter).

In consideration of **claim 36**:

The methods of Staples and Freeman disclose all as applied above (see claim 30). Upon activation, the GPS receiver, as presented in the rejection of claim 26, is fully capable of determining the location of the freight vehicle (reads on further comprising, upon activation, determining a position of the transportation means).

***Citation of Pertinent Art***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 2006/0220842 Oct 5 2006 Breed Asset Monitoring Arrangement & Method

US 5,109,278 Apr 28 1992 Erickson et al. Auto Freeze frame Display for Intrusion  
Monitoring System

US 6,097,429 Aug 1 2000 Seeley et al. Site Control Unit for Video Security System

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADLEY E. THOMPSON whose telephone number is (571)270-5583. The examiner can normally be reached on M-F 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BRADLEY E THOMPSON  
Examiner  
Art Unit 2612

/BET/

/Daniel Wu/

Supervisory Patent Examiner, Art Unit 2612